

Plaintiffs' Objections to House Defendants'
 Amended Privilege Log Produced April 1,
 2022

Log No.	Control Number	Date	Record Type	Email From	Email To	Email CC	Document Title	Privilege Type	Privilege Description	Privileged Challenge Basis
1	REL00011642	11/9/2021	Email	Emma Dean	Neal Collins		FW: PRIVILEGED & CONFIDENTIAL - Talking Points and Primer	Attorney-Client Communication	Communication from staff counsel to legislator client forwarding legal advice and attorney work product in advance of redistricting hearing.	An attorney client relationship does not exist among the individuals in the email. The attorney-client privilege is "narrowly construed" and only applies if, among other things, the person asserting the privilege is the client and the attorney is "acting as a lawyer." <i>Bethune-Hill v. Va. State Bd. of Elections</i> , 114 F. Supp. 3d 323 (E.D. Va. 2015) (quoting <i>United States v. Jones</i> , 696 F.2d 1069, 1072 (4th Cir. 1982)). House Defendants have not specified when they retained counsel for the litigation surrounding the House's passage of H. 4493, nor have they identified any South Carolina statute, bar ruling, legislative practice manual, or any other authority suggesting that counsel for a committee or the legislature can serve as the individual attorney for a legislator. Further, House Defendants fail to provide sufficient evidence to determine if this communication was for the predominate purpose of legal advice rather than policy advice. <i>Citizens Union of City of N.Y. v. Att'y Gen. of N.Y.</i> , 269, F. Supp. 3d 124, 171 (S.D.N.Y. 2017). Further, House Defendants have failed to establish the "underlying facts" to demonstrate an attorney-client relationship. <i>In re Grand Jury Subpoena</i> , 542 F. App'x 252, 254 (4th Cir. 2013). House Defendants failed to establish that the withheld communication was for the purpose of obtaining, providing, or soliciting legal advice. Counsel could be providing other types of non-legal advice, such as on legislative procedure or political advice, i.e., where they are "acting as a lawyer." <i>Bethune-Hill</i> , 114 F. Supp. 3d at 346.
2	REL00011642.001	11/9/2021	Attach				11.9.2021 Meeting Talking Points.pdf	Work Product	Attorney work product containing mental impressions, opinions, and legal advice for legislator clients.	An attorney client relationship does not exist among the individuals in the email. The attorney-client privilege is "narrowly construed" and only applies if, among other things, the person asserting the privilege is the client and the attorney is "acting as a lawyer." <i>Bethune-Hill v. Va. State Bd. of Elections</i> , 114 F. Supp. 3d 323 (E.D. Va. 2015) (quoting <i>United States v. Jones</i> , 696 F.2d 1069, 1072 (4th Cir. 1982)). House Defendants have not specified when they retained counsel for the litigation surrounding the House's passage of H. 4493, nor have they identified any South Carolina statute, bar ruling, legislative practice manual, or any other authority suggesting that counsel for a committee or the legislature can serve as the individual attorney for a legislator. Further, House Defendants fail to provide sufficient evidence to determine if this communication was for the predominate purpose of legal advice rather than policy advice. <i>Citizens Union of City of N.Y. v. Att'y Gen. of N.Y.</i> , 269, F. Supp. 3d 124, 171 (S.D.N.Y. 2017). Further, House Defendants have failed to establish the "underlying facts" to demonstrate an attorney-client relationship. <i>In re Grand Jury Subpoena</i> , 542 F. App'x 252, 254 (4th Cir. 2013). This document is not attorney work product. It was not draft in "anticipation of litigation" but over the "ordinary course of" legislation. <i>Bethune-Hill</i> , 114 F. Supp. 3d at 348 (quoting <i>Hickman v. Taylor</i> , 329 U.S. 508-10 (1947); see Fed. R. Civ. P. 26(b)(3) (emphasis added) (the work product protection is a qualified privilege for "documents and tangible things that are prepared in anticipation of litigation or for trial by or for another party or its representative."). Courts have been clear that documents pertaining to legislation cannot be withheld on the basis of attorney work product because "the legislature could always have a reasonable belief that any of its enactments would result in litigation. That is the nature of the legislative process." <i>Id.</i> (internal edits omitted) (quoting <i>Baldus v. Brennan</i> , 2011 WL 6385645, at *2 (E.D. Wis. Dec. 20, 2011)). The "redistricting process" is a quintessential legislative function even though it occurs every 10 years. As a result, the "the driving force behind the preparation of" this document "is for legislation, not litigation. <i>Nat'l Union fire Ins. Co. of Pittsburgh v. Murray Sheet Metal Co.</i> , 967 F.2d 980, 984 (4th Cir. 1992). This would not include "business or technical advice or management decisions." <i>Perez v. Perry</i> , 2014 WL 3359324, at *1 (W.D. Tex. July 9, 2014) (citations omitted); Rule 26 Advisory Comm.'s Notes to 1970 amendment ("Materials assembled in the ordinary course of business, or pursuant to public requirements unrelated to litigation, or for other nonlitigation purposes are not under the qualified immunity provided by this subdivision.").

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3	REL00011642.0002	11/9/2021	Attach				11.9.2021 Law Primer.pdf	Work Product	Attorney work product containing mental impressions, opinions, and legal advice for legislator clients.	Same
4	REL00011643	11/9/2021	Email	Emma Dean	Jason Elliot		FW: PRIVILEGED & CONFIDENTIAL - Talking Points and Primer	Attorney-Client Communication	Communication from staff counsel to legislator client forwarding legal advice and attorney work product in advance of redistricting hearing.	An attorney client relationship does not exist among the individuals in the email. The attorney-client privilege is "narrowly construed" and only applies if, among other things, the person asserting the privilege is the client and the attorney is "acting as a lawyer." <i>Bethune-Hill v. Va. State Bd. of Elections</i> , 114 F. Supp. 3d 323 (E.D. Va. 2015) (quoting <i>United States v. Jones</i> , 696 F.2d 1069, 1072 (4th Cir. 1982)). House Defendants have not specified when they retained counsel for the litigation surrounding the House's passage of H. 4493, nor have they identified any South Carolina statute, bar ruling, legislative practice manual, or any other authority suggesting that counsel for a committee or the legislature can serve as the individual attorney for a legislator. Further, House Defendants fail to provide sufficient evidence to determine if this communication was for the predominate purpose of legal advice rather than policy advice. <i>Citizens Union of City of N.Y. v. Att'y Gen. of N.Y.</i> , 269, F. Supp. 3d 124, 171 (S.D.N.Y. 2017). Further, House Defendants have failed to establish the "underlying facts" to demonstrate an attorney-client relationship. <i>In re Grand Jury Subpoena</i> , 542 F. App'x 252, 254 (4th Cir. 2013). House Defendants failed to establish that the withheld communication was for the purpose of obtaining, providing, or soliciting legal advice. Counsel could be providing other types of non-legal advice, such as on legislative procedure or political advice, i.e., where they are "acting as a lawyer." <i>Bethune-Hill</i> , 114 F. Supp. 3d at 346.

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5	REL00011643.0001	11/9/2021	Attach				11.9.2021 Meeting Talking Points.pdf	Work Product	Attorney work product containing mental impressions, opinions, and legal advice for legislator clients.	An attorney client relationship does not exist among the individuals in the email. The attorney-client privilege is "narrowly construed" and only applies if, among other things, the person asserting the privilege is the client and the attorney is "acting as a lawyer." <i>Bethune-Hill v. Va. State Bd. of Elections</i> , 114 F. Supp. 3d 323 (E.D. Va. 2015) (quoting <i>United States v. Jones</i> , 696 F.2d 1069, 1072 (4th Cir. 1982)). House Defendants have not specified when they retained counsel for the litigation surrounding the House's passage of H. 4493, nor have they identified any South Carolina statute, bar ruling, legislative practice manual, or any other authority suggesting that counsel for a committee or the legislature can serve as the individual attorney for a legislator. Further, House Defendants fail to provide sufficient evidence to determine if this communication was for the predominate purpose of legal advice rather than policy advice. <i>Citizens Union of City of N.Y. v. Att'y Gen. of N.Y.</i> , 269, F. Supp. 3d 124, 171 (S.D.N.Y. 2017). Further, House Defendants have failed to establish the "underlying facts" to demonstrate an attorney-client relationship. <i>In re Grand Jury Subpoena</i> , 542 F. App'x 252, 254 (4th Cir. 2013). This document is not attorney work product. It was not draft in "anticipation of litigation" but over the "ordinary course of" legislation. <i>Bethune-Hill</i> , 114 F. Supp. 3d at 348 (quoting <i>Hickman v. Taylor</i> , 329 U.S. 508-10 (1947); see Fed. R. Civ. P. 26(b)(3) (emphasis added) (the work product protection is a qualified privilege for "documents and tangible things that are prepared in anticipation of litigation or for trial by or for another party or its representative."). Courts have been clear that documents pertaining to legislation cannot be withheld on the basis of attorney work product because "the legislature could always have a reasonable belief that any of its enactments would result in litigation. That is the nature of the legislative process." <i>Id.</i> (internal edits omitted) (quoting <i>Baldus v. Brennan</i> , 2011 WL 6385645, at *2 (E.D. Wis. Dec. 20, 2011)). The "redistricting process" is a quintessential legislative function even though it occurs every 10 years. As a result, the "the driving force behind the preparation of" this document" is for legislation, not litigation. <i>Nat'l Union fire Ins. Co. of Pittsburgh v. Murray Sheet Metal Co.</i> , 967 F.2d 980, 984 (4th Cir. 1992). This would not include "business or technical advice or management decisions." <i>Perez v. Perry</i> , 2014 WL 3359324, at *1 (W.D. Tex. July 9, 2014) (citations omitted); Rule 26 Advisory Comm.'s Notes to 1970 amendment ("Materials assembled in the ordinary course of business, or pursuant to public requirements unrelated to litigation, or for other nonlitigation purposes are not under the qualified immunity provided by this subdivision.").
6	REL00011643.0002	11/9/2021	Attach				11.9.2021 Law Primer.pdf	Work Product	Attorney work product containing mental impressions, opinions, and legal advice for legislator clients.	Same

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7	REL00011644	11/9/2021	Email	Emma Dean	Weston Newton		FW: PRIVILEGED & CONFIDENTIAL - Talking Points and Primer	Attorney-Client Communication	Communication from staff counsel to legislator client forwarding legal advice and attorney work product in advance of redistricting hearing.	An attorney client relationship does not exist among the individuals in the email. The attorney-client privilege is "narrowly construed" and only applies if, among other things, the person asserting the privilege is the client and the attorney is "acting as a lawyer." <i>Bethune-Hill v. Va. State Bd. of Elections</i> , 114 F. Supp. 3d 323 (E.D. Va. 2015) (quoting <i>United States v. Jones</i> , 696 F.2d 1069, 1072 (4th Cir. 1982)). House Defendants have not specified when they retained counsel for the litigation surrounding the House's passage of H. 4493, nor have they identified any South Carolina statute, bar ruling, legislative practice manual, or any other authority suggesting that counsel for a committee or the legislature can serve as the individual attorney for a legislator. Further, House Defendants fail to provide sufficient evidence to determine if this communication was for the predominate purpose of legal advice rather than policy advice. <i>Citizens Union of City of N.Y. v. Att'y Gen. of N.Y.</i> , 269, F. Supp. 3d 124, 171 (S.D.N.Y. 2017). Further, House Defendants have failed to establish the "underlying facts" to demonstrate an attorney-client relationship. <i>In re Grand Jury Subpoena</i> , 542 F. App'x 252, 254 (4th Cir. 2013). House Defendants failed to establish that the withheld communication was for the purpose of obtaining, providing, or soliciting legal advice. Counsel could be providing other types of non-legal advice, such as on legislative procedure or political advice, i.e., where they are "acting as a lawyer." <i>Bethune-Hill</i> , 114 F. Supp. 3d at 346.
8	REL00011644.0001	11/9/2021	Attach				11.9.2021 Meeting Talking Points.pdf	Work Product	Attorney work product containing mental impressions, opinions, and legal advice for legislator clients.	An attorney client relationship does not exist among the individuals in the email. The attorney-client privilege is "narrowly construed" and only applies if, among other things, the person asserting the privilege is the client and the attorney is "acting as a lawyer." <i>Bethune-Hill v. Va. State Bd. of Elections</i> , 114 F. Supp. 3d 323 (E.D. Va. 2015) (quoting <i>United States v. Jones</i> , 696 F.2d 1069, 1072 (4th Cir. 1982)). House Defendants have not specified when they retained counsel for the litigation surrounding the House's passage of H. 4493, nor have they identified any South Carolina statute, bar ruling, legislative practice manual, or any other authority suggesting that counsel for a committee or the legislature can serve as the individual attorney for a legislator. Further, House Defendants fail to provide sufficient evidence to determine if this communication was for the predominate purpose of legal advice rather than policy advice. <i>Citizens Union of City of N.Y. v. Att'y Gen. of N.Y.</i> , 269, F. Supp. 3d 124, 171 (S.D.N.Y. 2017). Further, House Defendants have failed to establish the "underlying facts" to demonstrate an attorney-client relationship. <i>In re Grand Jury Subpoena</i> , 542 F. App'x 252, 254 (4th Cir. 2013). This document is not attorney work product. It was not draft in "anticipation of litigation" but over the "ordinary course of" legislation. <i>Bethune-Hill</i> , 114 F. Supp. 3d at 348 (quoting <i>Hickman v. Taylor</i> , 329 U.S. 508-10 (1947); see Fed. R. Civ. P. 26(b)(3) (emphasis added) (the work product protection is a qualified privilege for "documents and tangible things that are prepared in anticipation of litigation or for trial by or for another party or its representative."). Courts have been clear that documents pertaining to legislation cannot be withheld on the basis of attorney work product because "the legislature could always have a reasonable belief that any of its enactments would result in litigation. That is the nature of the legislative process." <i>Id.</i> (internal edits omitted) (quoting <i>Baldus v. Brennan</i> , 2011 WL 6385645, at *2 (E.D. Wis. Dec. 20, 2011)). The "redistricting process" is a quintessential legislative function even though it occurs every 10 years. As a result, the "the driving force behind the preparation of" this document" is for legislation, not litigation. <i>Natt' Union fire Ins. Co. of Pittsburgh v. Murray Sheet Metal Co.</i> , 967 F.2d 980, 984 (4th Cir. 1992). This would not include "business or technical advice or management decisions." <i>Perez v. Perry</i> , 2014 WL 3359324, at *1 (W.D. Tex. July 9, 2014) (citations omitted); Rule 26 Advisory Comm.'s Notes to 1970 amendment ("Materials assembled in the ordinary course of business, or pursuant to public requirements unrelated to litigation, or for other nonlitigation purposes are not under the qualified immunity provided by this subdivision.").

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9	REL00011644.0002	11/9/2021	Attach				11.9.2021 Law Primer.pdf	Work Product	Attorney work product containing mental impressions, opinions, and legal advice for legislator clients.	Same
10	REL00011645	11/10/2021	Email	Emma Dean	Jason Elliot		FW: Privileged and Confidential - Public Submissions	Attorney-Client Communication	Communication from staff counsel to legislator client forwarding legal advice and attorney work product in advance of public hearings.	An attorney client relationship does not exist among the individuals in the email. The attorney-client privilege is "narrowly construed" and only applies if, among other things, the person asserting the privilege is the client and the attorney is "acting as a lawyer." <i>Bethune-Hill v. Va. State Bd. of Elections</i> , 114 F. Supp. 3d 323 (E.D. Va. 2015) (quoting <i>United States v. Jones</i> , 696 F.2d 1069, 1072 (4th Cir. 1982)). House Defendants have not specified when they retained counsel for the litigation surrounding the House's passage of H. 4493, nor have they identified any South Carolina statute, bar ruling, legislative practice manual, or any other authority suggesting that counsel for a committee or the legislature can serve as the individual attorney for a legislator. Further, House Defendants fail to provide sufficient evidence to determine if this communication was for the predominate purpose of legal advice rather than policy advice. <i>Citizens Union of City of N.Y. v. Att'y Gen. of N.Y.</i> , 269, F. Supp. 3d 124, 171 (S.D.N.Y. 2017). Further, House Defendants have failed to establish the "underlying facts" to demonstrate an attorney-client relationship. <i>In re Grand Jury Subpoena</i> , 542 F. App'x 252, 254 (4th Cir. 2013). House Defendants failed to establish that the withheld communication was for the purpose of obtaining, providing, or soliciting legal advice. Counsel could be providing other types of non-legal advice, such as on legislative procedure or political advice, i.e., where they are "acting as a lawyer." <i>Bethune-Hill</i> , 114 F. Supp. 3d at 346.

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11	REL00011645.0001	11/10/2021	Attach				LOWV Map.PNG	Work Product	Confidential image of publicly submitted maps created by attorney with overlays to convey legal advice in preparation of litigation.	<p>An attorney client relationship does not exist among the individuals in the email. The attorney-client privilege is "narrowly construed" and only applies if, among other things, the person asserting the privilege is the client and the attorney is "acting as a lawyer." <i>Bethune-Hill v. Va. State Bd. of Elections</i>, 114 F. Supp. 3d 323 (E.D. Va. 2015) (quoting <i>United States v. Jones</i>, 696 F.2d 1069, 1072 (4th Cir. 1982)). House Defendants have not specified when they retained counsel for the litigation surrounding the House's passage of H. 4493, nor have they identified any South Carolina statute, bar ruling, legislative practice manual, or any other authority suggesting that counsel for a committee or the legislature can serve as the individual attorney for a legislator. Further, House Defendants fail to provide sufficient evidence to determine if this communication was for the predominate purpose of legal advice rather than policy advice. <i>Citizens Union of City of N.Y. v. Att'y Gen. of N.Y.</i>, 269, F. Supp. 3d 124, 171 (S.D.N.Y. 2017). Further, House Defendants have failed to establish the "underlying facts" to demonstrate an attorney-client relationship. In re Grand Jury Subpoena, 542 F. App'x 252, 254 (4th Cir. 2013). This document is not attorney work product. It was not draft in "ancipation of litigation" but over the "ordinary course of" legislation. <i>Bethune-Hill</i>, 114 F. Supp. 3d at 348 (quoting <i>Hickman v. Taylor</i>, 329 U.S. 508-10 (1947)); see Fed. R. Civ. P. 26(b)(3) (emphasis added) (the work product protection is a qualified privilege for "documents and tangible things that are prepared in anticipation of litigation or for trial by or for another party or its representative."). Courts have been clear that documents pertaining to legislation cannot be withheld on the basis of attorney work product because "the legislature could always have a reasonable belief that any of its enactments would result in litigation. That is the nature of the legislative process." <i>Id.</i> (internal edits omitted) (quoting <i>Baldus v. Brennan</i>, 2011 WL 6385645, at *2 (E.D. Wis. Dec. 20, 2011)). The "redistricting process" is a quintessential legislative function even though it occurs every 10 years. As a result, the "the driving force behind the preparation of" this document" is for legislation, not litigation. <i>Nat'l Union fire Ins. Co. of Pittsburgh v. Murray Sheet Metal Co.</i>, 967 F.2d 980, 984 (4th Cir. 1992). This would not include "business or technical advice or management decisions." <i>Perez v. Perry</i>, 2014 WL 3359324, at *1 (W.D. Tex. July 9, 2014) (citations omitted); Rule 26 Advisory Comm.'s Notes to 1970 amendment ("Materials assembled in the ordinary course of business, or pursuant to public requirements unrelated to litigation, or for other nonlitigation purposes are not under the qualified immunity provided by this subdivision.").</p>
12	REL00011645.0002	11/10/2021	Attach				Michael Roberts Map.PNG	Work Product	Confidential image of publicly submitted maps created by attorney with overlays to convey legal advice in preparation of litigation.	Same

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13	REL00011645.0 003	11/10/2021	Attach				NAACP Map.PNG	Work Product	Confidential image of publicly submitted maps created by attorney with overlays to convey legal advice in preparation of litigation.	Same
14	REL00011645.0 004	11/10/2021	Attach				Erica Sampson Map (HD-4).PNG	Work Product	Confidential image of publicly submitted maps created by attorney with overlays to convey legal advice in preparation of litigation.	Same
15	REL00011645.0 005	11/10/2021	Attach				Jeni Atchley (HD-5).PNG	Work Product	Confidential image of publicly submitted maps created by attorney with overlays to convey legal advice in preparation of litigation.	Same
16	REL00011645.0 006	11/10/2021	Attach				John Kraljevich (HD-6).PNG	Work Product	Confidential image of publicly submitted maps created by attorney with overlays to convey legal advice in preparation of litigation.	Same

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17	REL00011645.0007	11/10/2021	Attach				Kevin Eckert Map (HD-7).PNG	Work Product	Confidential image of publicly submitted maps created by attorney with overlays to convey legal advice in preparation of litigation.	Same
18	REL00011645.0008	11/10/2021	Attach				Statistical Comparison.pdf	Work Product	Confidential document created in anticipation of litigation by attorney summarizing public submissions with attorney mental impressions and opinions.	Same
19	REL00011646	11/10/2021	Email	Emma Dean	Neal Collins		FW: Privileged and Confidential - Public Submissions	Attorney-Client Communication	Communication from staff counsel to legislator client forwarding legal advice and attorney work product in advance of public hearings.	An attorney client relationship does not exist among the individuals in the email. The attorney-client privilege is "narrowly construed" and only applies if, among other things, the person asserting the privilege is the client and the attorney is "acting as a lawyer." <i>Bethune-Hill v. Va. State Bd. of Elections</i> , 114 F. Supp. 3d 323 (E.D. Va. 2015) (quoting <i>United States v. Jones</i> , 696 F.2d 1069, 1072 (4th Cir. 1982)). House Defendants have not specified when they retained counsel for the litigation surrounding the House's passage of H. 4493, nor have they identified any South Carolina statute, bar ruling, legislative practice manual, or any other authority suggesting that counsel for a committee or the legislature can serve as the individual attorney for a legislator. Further, House Defendants fail to provide sufficient evidence to determine if this communication was for the predominate purpose of legal advice rather than policy advice. <i>Citizens Union of City of N.Y. v. Att'y Gen. of N.Y.</i> , 269, F. Supp. 3d 124, 171 (S.D.N.Y. 2017). Further, House Defendants have failed to establish the "underlying facts" to demonstrate an attorney-client relationship. <i>In re Grand Jury Subpoena</i> , 542 F. App'x 252, 254 (4th Cir. 2013). House Defendants failed to establish that the withheld communication was for the purpose of obtaining, providing, or soliciting legal advice. Counsel could be providing other types of non-legal advice, such as on legislative procedure or political advice, i.e., where they are "acting as a lawyer." <i>Bethune-Hill</i> , 114 F. Supp. 3d at 346.

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20	REL00011646.0001	11/10/2021	Attach				LOWV Map.PNG	Work Product	Confidential image of publicly submitted maps created by attorney with overlays to convey legal advice in preparation of litigation.	<p>An attorney client relationship does not exist among the individuals in the email. The attorney-client privilege is "narrowly construed" and only applies if, among other things, the person asserting the privilege is the client and the attorney is "acting as a lawyer." <i>Bethune-Hill v. Va. State Bd. of Elections</i>, 114 F. Supp. 3d 323 (E.D. Va. 2015) (quoting <i>United States v. Jones</i>, 696 F.2d 1069, 1072 (4th Cir. 1982)). House Defendants have not specified when they retained counsel for the litigation surrounding the House's passage of H. 4493, nor have they identified any South Carolina statute, bar ruling, legislative practice manual, or any other authority suggesting that counsel for a committee or the legislature can serve as the individual attorney for a legislator. Further, House Defendants fail to provide sufficient evidence to determine if this communication was for the predominate purpose of legal advice rather than policy advice. <i>Citizens Union of City of N.Y. v. Att'y Gen. of N.Y.</i>, 269, F. Supp. 3d 124, 171 (S.D.N.Y. 2017). Further, House Defendants have failed to establish the "underlying facts" to demonstrate an attorney-client relationship. In re Grand Jury Subpoena, 542 F. App'x 252, 254 (4th Cir. 2013). This document is not attorney work product. It was not draft in "ancipation of litigation" but over the "ordinary course of" legislation. <i>Bethune-Hill</i>, 114 F. Supp. 3d at 348 (quoting <i>Hickman v. Taylor</i>, 329 U.S. 508-10 (1947)); see Fed. R. Civ. P. 26(b)(3) (emphasis added) (the work product protection is a qualified privilege for "documents and tangible things that are prepared in anticipation of litigation or for trial by or for another party or its representative."). Courts have been clear that documents pertaining to legislation cannot be withheld on the basis of attorney work product because "the legislature could always have a reasonable belief that any of its enactments would result in litigation. That is the nature of the legislative process." <i>Id.</i> (internal edits omitted) (quoting <i>Baldus v. Brennan</i>, 2011 WL 6385645, at *2 (E.D. Wis. Dec. 20, 2011)). The "redistricting process" is a quintessential legislative function even though it occurs every 10 years. As a result, the "the driving force behind the preparation of" this document" is for legislation, not litigation. <i>Nat'l Union fire Ins. Co. of Pittsburgh v. Murray Sheet Metal Co.</i>, 967 F.2d 980, 984 (4th Cir. 1992). This would not include "business or technical advice or management decisions." <i>Perez v. Perry</i>, 2014 WL 3359324, at *1 (W.D. Tex. July 9, 2014) (citations omitted); Rule 26 Advisory Comm.'s Notes to 1970 amendment ("Materials assembled in the ordinary course of business, or pursuant to public requirements unrelated to litigation, or for other nonlitigation purposes are not under the qualified immunity provided by this subdivision.").</p>
21	REL00011646.0002	11/10/2021	Attach				Michael Roberts Map.PNG	Work Product	Confidential image of publicly submitted maps created by attorney with overlays to convey legal advice in preparation of litigation.	Same

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22	REL00011646.0 003	11/10/2021	Attach				NAACP Map.PNG	Work Product	Confidential image of publicly submitted maps created by attorney with overlays to convey legal advice in preparation of litigation.	Same
23	REL00011646.0 004	11/10/2021	Attach				Erica Sampson Map (HD-4).PNG	Work Product	Confidential image of publicly submitted maps created by attorney with overlays to convey legal advice in preparation of litigation.	Same
24	REL00011646.0 005	11/10/2021	Attach				Jeni Atchley (HD-5).PNG	Work Product	Confidential image of publicly submitted maps created by attorney with overlays to convey legal advice in preparation of litigation.	Same
25	REL00011646.0 006	11/10/2021	Attach				John Kraljevich (HD-6).PNG	Work Product	Confidential image of publicly submitted maps created by attorney with overlays to convey legal advice in preparation of litigation.	Same

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26	REL00011646.0 007	11/10/2021	Attach				Kevin Eckert Map (HD-7).PNG	Work Product	Confidential image of publicly submitted maps created by attorney with overlays to convey legal advice in preparation of litigation.	Same
27	REL00011646.0 008	11/10/2021	Attach				Statistical Comparison.pdf	Work Product	Confidential document created in anticipation of litigation by attorney summarizing public submissions with attorney mental impressions and opinions.	Same
28	REL00011647	11/10/2021	Email	Emma Dean	Weston Newton		Privileged and Confidential - Public Submissions	Work Product	Communication from staff counsel to legislator client forwarding legal advice and attorney work product in advance of public hearings.	Same
29	REL00011647.0 001	11/10/2021	Attach				Statistical Comparison.pdf	Work Product	Confidential document created in anticipation of litigation by attorney summarizing public submissions with attorney mental impressions and opinions.	Same

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Log No.	Control Number	Date	Record Type	Email From	Email To	Email CC	Document Title	Privilege Type	Privilege Description	Privileged Challenge Basis
30	REL00011647.0002	11/10/2021	Attach				Michael Roberts Map.PNG	Work Product	Confidential image of publicly submitted maps created by attorney with overlays to convey legal advice in preparation of litigation.	Same
31	REL00011647.0003	11/10/2021	Attach				NAACP Map.PNG	Work Product	Confidential image of publicly submitted maps created by attorney with overlays to convey legal advice in preparation of litigation.	Same
32	REL00011647.0004	11/10/2021	Attach				Erica Sampson Map (HD-4).PNG	Work Product	Confidential image of publicly submitted maps created by attorney with overlays to convey legal advice in preparation of litigation.	Same
33	REL00011647.0005	11/10/2021	Attach				Jeni Atchley (HD-5).PNG	Work Product	Confidential image of publicly submitted maps created by attorney with overlays to convey legal advice in preparation of litigation.	Same

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34	REL00011647.0006	11/10/2021	Attach				John Kraljevich (HD-6).PNG	Work Product	Confidential image of publicly submitted maps created by attorney with overlays to convey legal advice in preparation of litigation.	Same
35	REL00011647.0007	11/10/2021	Attach				Kevin Eckert Map (HD-7).PNG	Work Product	Confidential image of publicly submitted maps created by attorney with overlays to convey legal advice in preparation of litigation.	Same
36	REL00011647.0008	11/10/2021	Attach				LOWV Map.PNG	Work Product	Confidential image of publicly submitted maps created by attorney with overlays to convey legal advice in preparation of litigation.	Same
37	REL00011661	9/3/2021	Email	Emma Dean	Chris Murphy		Attorney Communication Privileged	Attorney-Client Communication	Communication from staff counsel to legislator client with draft work product response for client review.	An attorney client relationship does not exist among the individuals in the email. The attorney-client privilege is "narrowly construed" and only applies if, among other things, the person asserting the privilege is the client and the attorney is "acting as a lawyer." <i>Bethune-Hill v. Va. State Bd. of Elections</i> , 114 F. Supp. 3d 323 (E.D. Va. 2015) (quoting <i>United States v. Jones</i> , 696 F.2d 1069, 1072 (4th Cir. 1982)). House Defendants have not specified when they retained counsel for the litigation surrounding the House's passage of H. 4493, nor have they identified any South Carolina statute, bar ruling, legislative practice manual, or any other authority suggesting that counsel for a committee or the legislature can serve as the individual attorney for a legislator. Further, House Defendants fail to provide sufficient evidence to determine if this communication was for the predominate purpose of legal advice rather than policy advice. <i>Citizens Union of City of N.Y. v. Att'y Gen. of N.Y.</i> , 269, F. Supp. 3d 124, 171 (S.D.N.Y. 2017). Further, House Defendants have failed to establish the "underlying facts" to demonstrate an attorney-client relationship. <i>In re Grand Jury Subpoena</i> , 542 F. App'x 252, 254 (4th Cir. 2013). House Defendants failed to establish that the withheld communication was for the purpose of obtaining, providing, or soliciting legal advice. Counsel could be providing other types of non-legal advice, such as on legislative procedure or political advice, i.e., where they are "acting as a lawyer." <i>Bethune-Hill</i> , 114 F. Supp. 3d at 346.

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38	REL00011661.0003	9/3/2021	Attach				Draft Letter from Ch. Murphy 9.3.21.docx	Work Product	Draft work product response for client review.	<p>An attorney client relationship does not exist among the individuals in the email. The attorney-client privilege is "narrowly construed" and only applies if, among other things, the person asserting the privilege is the client and the attorney is "acting as a lawyer." <i>Bethune-Hill v. Va. State Bd. of Elections</i>, 114 F. Supp. 3d 323 (E.D. Va. 2015) (quoting <i>United States v. Jones</i>, 696 F.2d 1069, 1072 (4th Cir. 1982)). House Defendants have not specified when they retained counsel for the litigation surrounding the House's passage of H. 4493, nor have they identified any South Carolina statute, bar ruling, legislative practice manual, or any other authority suggesting that counsel for a committee or the legislature can serve as the individual attorney for a legislator. Further, House Defendants fail to provide sufficient evidence to determine if this communication was for the predominate purpose of legal advice rather than policy advice. <i>Citizens Union of City of N.Y. v. Atty Gen. of N.Y.</i>, 269, F. Supp. 3d 124, 171 (S.D.N.Y. 2017). Further, House Defendants have failed to establish the "underlying facts" to demonstrate an attorney-client relationship. <i>In re Grand Jury Subpoena</i>, 542 F. App'x 252, 254 (4th Cir. 2013). This document is not attorney work product. It was not draft in "anticipation of litigation" but over the "ordinary course of" legislation. <i>Bethune-Hill</i>, 114 F. Supp. 3d at 348 (quoting <i>Hickman v. Taylor</i>, 329 U.S. 508-10 (1947)); see Fed. R. Civ. P. 26(b)(3) (emphasis added) (the work product protection is a qualified privilege for "documents and tangible things that are prepared in anticipation of litigation or for trial by or for another party or its representative."). Courts have been clear that documents pertaining to legislation cannot be withheld on the basis of attorney work product because "the legislature could always have a reasonable belief that any of its enactments would result in litigation. That is the nature of the legislative process." <i>Id.</i> (internal edits omitted) (quoting <i>Baldus v. Brennan</i>, 2011 WL 6385645, at *2 (E.D. Wis. Dec. 20, 2011)). The "redistricting process" is a quintessential legislative function even though it occurs every 10 years. As a result, the "the driving force behind the preparation of" this document" is for legislation, not litigation. <i>Nat'l Union fire Ins. Co. of Pittsburgh v. Murray Sheet Metal Co.</i>, 967 F.2d 980, 984 (4th Cir. 1992). This would not include "business or technical advice or management decisions." <i>Perez v. Perry</i>, 2014 WL 3359324, at *1 (W.D. Tex. July 9, 2014) (citations omitted); Rule 26 Advisory Comm.'s Notes to 1970 amendment ("Materials assembled in the ordinary course of business, or pursuant to public requirements unrelated to litigation, or for other nonlitigation purposes are not under the qualified immunity provided by this subdivision.").</p>
39	REL00011667	9/27/2021	Email	Emma Dean	Jay Jordan		Sept 28 contact talking points	Attorney-Client Communication	Communication from staff counsel to legislator client with draft work product response for client review.	<p>An attorney client relationship does not exist among the individuals in the email. The attorney-client privilege is "narrowly construed" and only applies if, among other things, the person asserting the privilege is the client and the attorney is "acting as a lawyer." <i>Bethune-Hill v. Va. State Bd. of Elections</i>, 114 F. Supp. 3d 323 (E.D. Va. 2015) (quoting <i>United States v. Jones</i>, 696 F.2d 1069, 1072 (4th Cir. 1982)). House Defendants have not specified when they retained counsel for the litigation surrounding the House's passage of H. 4493, nor have they identified any South Carolina statute, bar ruling, legislative practice manual, or any other authority suggesting that counsel for a committee or the legislature can serve as the individual attorney for a legislator. Further, House Defendants fail to provide sufficient evidence to determine if this communication was for the predominate purpose of legal advice rather than policy advice. <i>Citizens Union of City of N.Y. v. Atty Gen. of N.Y.</i>, 269, F. Supp. 3d 124, 171 (S.D.N.Y. 2017). Further, House Defendants have failed to establish the "underlying facts" to demonstrate an attorney-client relationship. <i>In re Grand Jury Subpoena</i>, 542 F. App'x 252, 254 (4th Cir. 2013). House Defendants failed to establish that the withheld communication was for the purpose of obtaining, providing, or soliciting legal advice. Counsel could be providing other types of non-legal advice, such as on legislative procedure or political advice, i.e., where they are "acting as a lawyer." <i>Bethune-Hill</i>, 114 F. Supp. 3d at 346.</p>

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40	REL00011667.0001	9/27/2021	Attach				Sept 28 contact talking points.docx	Work Product	Attorney's mental impressions/opinions provided to client in preparation for meeting.	<p>An attorney client relationship does not exist among the individuals in the email. The attorney-client privilege is "narrowly construed" and only applies if, among other things, the person asserting the privilege is the client and the attorney is "acting as a lawyer." <i>Bethune-Hill v. Va. State Bd. of Elections</i>, 114 F. Supp. 3d 323 (E.D. Va. 2015) (quoting <i>United States v. Jones</i>, 696 F.2d 1069, 1072 (4th Cir. 1982)). House Defendants have not specified when they retained counsel for the litigation surrounding the House's passage of H. 4493, nor have they identified any South Carolina statute, bar ruling, legislative practice manual, or any other authority suggesting that counsel for a committee or the legislature can serve as the individual attorney for a legislator. Further, House Defendants fail to provide sufficient evidence to determine if this communication was for the predominate purpose of legal advice rather than policy advice. <i>Citizens Union of City of N.Y. v. Atty Gen. of N.Y.</i>, 269, F. Supp. 3d 124, 171 (S.D.N.Y. 2017). Further, House Defendants have failed to establish the "underlying facts" to demonstrate an attorney-client relationship. <i>In re Grand Jury Subpoena</i>, 542 F. App'x 252, 254 (4th Cir. 2013). This document is not attorney work product. It was not draft in "anticipation of litigation" but over the "ordinary course of" legislation. <i>Bethune-Hill</i>, 114 F. Supp. 3d at 348 (quoting <i>Hickman v. Taylor</i>, 329 U.S. 508-10 (1947)); see Fed. R. Civ. P. 26(b)(3) (emphasis added) (the work product protection is a qualified privilege for "documents and tangible things that are prepared in anticipation of litigation or for trial by or for another party or its representative."). Courts have been clear that documents pertaining to legislation cannot be withheld on the basis of attorney work product because "the legislature could always have a reasonable belief that any of its enactments would result in litigation. That is the nature of the legislative process." <i>Id.</i> (internal edits omitted) (quoting <i>Baldus v. Brennan</i>, 2011 WL 6385645, at *2 (E.D. Wis. Dec. 20, 2011)). The "redistricting process" is a quintessential legislative function even though it occurs every 10 years. As a result, the "the driving force behind the preparation of" this document" is for legislation, not litigation. <i>Nat'l Union fire Ins. Co. of Pittsburgh v. Murray Sheet Metal Co.</i>, 967 F.2d 980, 984 (4th Cir. 1992). This would not include "business or technical advice or management decisions." <i>Perez v. Perry</i>, 2014 WL 3359324, at *1 (W.D. Tex. July 9, 2014) (citations omitted); Rule 26 Advisory Comm.'s Notes to 1970 amendment ("Materials assembled in the ordinary course of business, or pursuant to public requirements unrelated to litigation, or for other nonlitigation purposes are not under the qualified immunity provided by this subdivision.").</p>
41	REL00011670	10/8/2021	Email	Emma Dean	Chris Murphy		Atty client communication	Attorney-Client Communication	Communication from staff counsel to legislator client with draft work product response for review.	<p>An attorney client relationship does not exist among the individuals in the email. The attorney-client privilege is "narrowly construed" and only applies if, among other things, the person asserting the privilege is the client and the attorney is "acting as a lawyer." <i>Bethune-Hill v. Va. State Bd. of Elections</i>, 114 F. Supp. 3d 323 (E.D. Va. 2015) (quoting <i>United States v. Jones</i>, 696 F.2d 1069, 1072 (4th Cir. 1982)). House Defendants have not specified when they retained counsel for the litigation surrounding the House's passage of H. 4493, nor have they identified any South Carolina statute, bar ruling, legislative practice manual, or any other authority suggesting that counsel for a committee or the legislature can serve as the individual attorney for a legislator. Further, House Defendants fail to provide sufficient evidence to determine if this communication was for the predominate purpose of legal advice rather than policy advice. <i>Citizens Union of City of N.Y. v. Atty Gen. of N.Y.</i>, 269, F. Supp. 3d 124, 171 (S.D.N.Y. 2017). Further, House Defendants have failed to establish the "underlying facts" to demonstrate an attorney-client relationship. <i>In re Grand Jury Subpoena</i>, 542 F. App'x 252, 254 (4th Cir. 2013). House Defendants failed to establish that the withheld communication was for the purpose of obtaining, providing, or soliciting legal advice. Counsel could be providing other types of non-legal advice, such as on legislative procedure or political advice, i.e., where they are "acting as a lawyer." <i>Bethune-Hill</i>, 114 F. Supp. 3d at 346.</p>

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42	REL00011670.0001	10/8/2021	Attach				Proposed Response to September Letter.DOCX	Work Product	Draft work product response for client review.	<p>An attorney client relationship does not exist among the individuals in the email. The attorney-client privilege is "narrowly construed" and only applies if, among other things, the person asserting the privilege is the client and the attorney is "acting as a lawyer." <i>Bethune-Hill v. Va. State Bd. of Elections</i>, 114 F. Supp. 3d 323 (E.D. Va. 2015) (quoting <i>United States v. Jones</i>, 696 F.2d 1069, 1072 (4th Cir. 1982)). House Defendants have not specified when they retained counsel for the litigation surrounding the House's passage of H. 4493, nor have they identified any South Carolina statute, bar ruling, legislative practice manual, or any other authority suggesting that counsel for a committee or the legislature can serve as the individual attorney for a legislator. Further, House Defendants fail to provide sufficient evidence to determine if this communication was for the predominate purpose of legal advice rather than policy advice. <i>Citizens Union of City of N.Y. v. Atty Gen. of N.Y.</i>, 269, F. Supp. 3d 124, 171 (S.D.N.Y. 2017). Further, House Defendants have failed to establish the "underlying facts" to demonstrate an attorney-client relationship. <i>In re Grand Jury Subpoena</i>, 542 F. App'x 252, 254 (4th Cir. 2013). This document is not attorney work product. It was not draft in "anticipation of litigation" but over the "ordinary course of" legislation. <i>Bethune-Hill</i>, 114 F. Supp. 3d at 348 (quoting <i>Hickman v. Taylor</i>, 329 U.S. 508-10 (1947)); see Fed. R. Civ. P. 26(b)(3) (emphasis added) (the work product protection is a qualified privilege for "documents and tangible things that are prepared in anticipation of litigation or for trial by or for another party or its representative."). Courts have been clear that documents pertaining to legislation cannot be withheld on the basis of attorney work product because "the legislature could always have a reasonable belief that any of its enactments would result in litigation. That is the nature of the legislative process." <i>Id.</i> (internal edits omitted) (quoting <i>Baldus v. Brennan</i>, 2011 WL 6385645, at *2 (E.D. Wis. Dec. 20, 2011)). The "redistricting process" is a quintessential legislative function even though it occurs every 10 years. As a result, the "the driving force behind the preparation of" this document" is for legislation, not litigation. <i>Nat'l Union fire Ins. Co. of Pittsburgh v. Murray Sheet Metal Co.</i>, 967 F.2d 980, 984 (4th Cir. 1992). This would not include "business or technical advice or management decisions." <i>Perez v. Perry</i>, 2014 WL 3359324, at *1 (W.D. Tex. July 9, 2014) (citations omitted); Rule 26 Advisory Comm.'s Notes to 1970 amendment ("Materials assembled in the ordinary course of business, or pursuant to public requirements unrelated to litigation, or for other nonlitigation purposes are not under the qualified immunity provided by this subdivision.").</p>
43	REL00021323	9/3/2021	Email	Emma Dean	Chris Murphy		Attorney Communication Privileged	Attorney-Client Communication	Communication from staff counsel to legislator client with draft work product response for review.	<p>An attorney client relationship does not exist among the individuals in the email. The attorney-client privilege is "narrowly construed" and only applies if, among other things, the person asserting the privilege is the client and the attorney is "acting as a lawyer." <i>Bethune-Hill v. Va. State Bd. of Elections</i>, 114 F. Supp. 3d 323 (E.D. Va. 2015) (quoting <i>United States v. Jones</i>, 696 F.2d 1069, 1072 (4th Cir. 1982)). House Defendants have not specified when they retained counsel for the litigation surrounding the House's passage of H. 4493, nor have they identified any South Carolina statute, bar ruling, legislative practice manual, or any other authority suggesting that counsel for a committee or the legislature can serve as the individual attorney for a legislator. Further, House Defendants fail to provide sufficient evidence to determine if this communication was for the predominate purpose of legal advice rather than policy advice. <i>Citizens Union of City of N.Y. v. Atty Gen. of N.Y.</i>, 269, F. Supp. 3d 124, 171 (S.D.N.Y. 2017). Further, House Defendants have failed to establish the "underlying facts" to demonstrate an attorney-client relationship. <i>In re Grand Jury Subpoena</i>, 542 F. App'x 252, 254 (4th Cir. 2013). House Defendants failed to establish that the withheld communication was for the purpose of obtaining, providing, or soliciting legal advice. Counsel could be providing other types of non-legal advice, such as on legislative procedure or political advice, i.e., where they are "acting as a lawyer." <i>Bethune-Hill</i>, 114 F. Supp. 3d at 346.</p>

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44	REL00021323.0003	9/3/2021	Attach				Draft Letter from Ch. Murphy 9.3.21.docx	Work Product	Draft work product response for client review.	<p>An attorney client relationship does not exist among the individuals in the email. The attorney-client privilege is "narrowly construed" and only applies if, among other things, the person asserting the privilege is the client and the attorney is "acting as a lawyer." <i>Bethune-Hill v. Va. State Bd. of Elections</i>, 114 F. Supp. 3d 323 (E.D. Va. 2015) (quoting <i>United States v. Jones</i>, 696 F.2d 1069, 1072 (4th Cir. 1982)). House Defendants have not specified when they retained counsel for the litigation surrounding the House's passage of H. 4493, nor have they identified any South Carolina statute, bar ruling, legislative practice manual, or any other authority suggesting that counsel for a committee or the legislature can serve as the individual attorney for a legislator. Further, House Defendants fail to provide sufficient evidence to determine if this communication was for the predominate purpose of legal advice rather than policy advice. <i>Citizens Union of City of N.Y. v. Atty Gen. of N.Y.</i>, 269, F. Supp. 3d 124, 171 (S.D.N.Y. 2017). Further, House Defendants have failed to establish the "underlying facts" to demonstrate an attorney-client relationship. <i>In re Grand Jury Subpoena</i>, 542 F. App'x 252, 254 (4th Cir. 2013). This document is not attorney work product. It was not draft in "anticipation of litigation" but over the "ordinary course of" legislation. <i>Bethune-Hill</i>, 114 F. Supp. 3d at 348 (quoting <i>Hickman v. Taylor</i>, 329 U.S. 508-10 (1947)); see Fed. R. Civ. P. 26(b)(3) (emphasis added) (the work product protection is a qualified privilege for "documents and tangible things that are prepared in anticipation of litigation or for trial by or for another party or its representative."). Courts have been clear that documents pertaining to legislation cannot be withheld on the basis of attorney work product because "the legislature could always have a reasonable belief that any of its enactments would result in litigation. That is the nature of the legislative process." <i>Id.</i> (internal edits omitted) (quoting <i>Baldus v. Brennan</i>, 2011 WL 6385645, at *2 (E.D. Wis. Dec. 20, 2011)). The "redistricting process" is a quintessential legislative function even though it occurs every 10 years. As a result, the "the driving force behind the preparation of" this document" is for legislation, not litigation. <i>Nat'l Union fire Ins. Co. of Pittsburgh v. Murray Sheet Metal Co.</i>, 967 F.2d 980, 984 (4th Cir. 1992). This would not include "business or technical advice or management decisions." <i>Perez v. Perry</i>, 2014 WL 3359324, at *1 (W.D. Tex. July 9, 2014) (citations omitted); Rule 26 Advisory Comm.'s Notes to 1970 amendment ("Materials assembled in the ordinary course of business, or pursuant to public requirements unrelated to litigation, or for other nonlitigation purposes are not under the qualified immunity provided by this subdivision.").</p>
45	REL00020087	11/15/2021	Email	Beth Bernstein	Emma Dean; Patricia Henegan; Justin Bamberg; Wallace Jordan; Weston Newton	Jimmy Hinson; Roland Franklin; Linda Anderson; Neal Collins; Jason Elliot	Redistricting	Attorney-Client Communication	Communication from legislator to staff counsel requesting legal counsel address questions related to redistricting.	<p>An attorney client relationship does not exist among the individuals in the email. The attorney-client privilege is "narrowly construed" and only applies if, among other things, the person asserting the privilege is the client and the attorney is "acting as a lawyer." <i>Bethune-Hill v. Va. State Bd. of Elections</i>, 114 F. Supp. 3d 323 (E.D. Va. 2015) (quoting <i>United States v. Jones</i>, 696 F.2d 1069, 1072 (4th Cir. 1982)). House Defendants have not specified when they retained counsel for the litigation surrounding the House's passage of H. 4493, nor have they identified any South Carolina statute, bar ruling, legislative practice manual, or any other authority suggesting that counsel for a committee or the legislature can serve as the individual attorney for a legislator. Further, House Defendants fail to provide sufficient evidence to determine if this communication was for the predominate purpose of legal advice rather than policy advice. <i>Citizens Union of City of N.Y. v. Atty Gen. of N.Y.</i>, 269, F. Supp. 3d 124, 171 (S.D.N.Y. 2017). Further, House Defendants have failed to establish the "underlying facts" to demonstrate an attorney-client relationship. <i>In re Grand Jury Subpoena</i>, 542 F. App'x 252, 254 (4th Cir. 2013). House Defendants failed to establish that the withheld communication was for the purpose of obtaining, providing, or soliciting legal advice. Counsel could be providing other types of non-legal advice, such as on legislative procedure or political advice, i.e., where they are "acting as a lawyer." <i>Bethune-Hill</i>, 114 F. Supp. 3d at 346.</p>

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46	REL00020355	9/24/2021	Email	Chris Murphy	Emma Dean		Re: Updated draft	Attorney-Client Communication	Communication from legislator client to staff counsel regarding draft document.	Same
47	REL00028185			Patrick Dennis	Jay Lucas; Patrick Dennis; Haley Mottel		Sine Die Adjournment	Attorney-Client Communication; Work Product	Communication between staff counsel to legislator client conveying legal advice, mental impressions, and opinions regarding legislative procedure.	<p>An attorney client relationship does not exist among the individuals in the email. The attorney-client privilege is "narrowly construed" and only applies if, among other things, the person asserting the privilege is the client and the attorney is "acting as a lawyer." <i>Bethune-Hill v. Va. State Bd. of Elections</i>, 114 F. Supp. 3d 323 (E.D. Va. 2015) (quoting <i>United States v. Jones</i>, 696 F.2d 1069, 1072 (4th Cir. 1982)). House Defendants have not specified when they retained counsel for the litigation surrounding the House's passage of H. 4493, nor have they identified any South Carolina statute, bar ruling, legislative practice manual, or any other authority suggesting that counsel for a committee or the legislature can serve as the individual attorney for a legislator. Further, House Defendants fail to provide sufficient evidence to determine if this communication was for the predominate purpose of legal advice rather than policy advice. <i>Citizens Union of City of N.Y. v. Att'y Gen. of N.Y.</i>, 269, F. Supp. 3d 124, 171 (S.D.N.Y. 2017). Further, House Defendants have failed to establish the "underlying facts" to demonstrate an attorney-client relationship. <i>In re Grand Jury Subpoena</i>, 542 F. App'x 252, 254 (4th Cir. 2013). House Defendants failed to establish that the withheld communication was for the purpose of obtaining, providing, or soliciting legal advice. Counsel could be providing other types of non-legal advice, such as on legislative procedure or political advice, i.e., where they are "acting as a lawyer." <i>Bethune-Hill</i>, 114 F. Supp. 3d at 346. This document is not attorney work product. It was not draft in "anticipation of litigation" but over the "ordinary course of" legislation. <i>Bethune-Hill</i>, 114 F. Supp. 3d at 348 (quoting <i>Hickman v. Taylor</i>, 329 U.S. 508-10 (1947)); see Fed. R. Civ. P. 26(b)(3) (emphasis added) (the work product protection is a qualified privilege for "documents and tangible things that are prepared in anticipation of litigation or for trial by or for another party or its representative."). Courts have been clear that documents pertaining to legislation cannot be withheld on the basis of attorney work product because "the legislature could always have a reasonable belief that any of its enactments would result in litigation. That is the nature of the legislative process." Id. (internal edits omitted) (quoting <i>Baldus v. Brennan</i>, 2011 WL 6385645, at *2 (E.D. Wis. Dec. 20, 2011)). The "redistricting process" is a quintessential legislative function even though it occurs every 10 years. As a result, the "the driving force behind the preparation of" this document" is for legislation, not litigation. <i>Nat'l Union Fire Ins. Co. of Pittsburgh v. Murray Sheet Metal Co.</i>, 967 F.2d 980, 984 (4th Cir. 1992). This would not include "business or technical advice or management decisions." <i>Perez v. Perry</i>, 2014 WL 3359324, at *1 (W.D. Tex. July 9, 2014) (citations omitted); Rule 26 Advisory Comm.'s Notes to 1970 amendment ("Materials assembled in the ordinary course of business, or pursuant to public requirements unrelated to litigation, or for other nonlitigation purposes are not under the qualified immunity provided by this subdivision.").</p>

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48	REL00028205	9/28/2021	Email	Patrick Dennis	Rep. Bill Taylor		Fwd: Sine Die Adjournment	Attorney-Client Communication; Work Product	Communication between staff counsel to legislator client conveying legal advice, mental impressions, and opinions regarding legislative procedure.	Same
49	REL00028206	9/28/2021	Email	Patrick Dennis	Rep. Bill Taylor		FW: Sine Die Adjournment	Attorney-Client Communication; Work Product	Communication between staff counsel to legislator client conveying legal advice, mental impressions, and opinions regarding legislative procedure.	Same

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Log No.	Control Number	Date	Record Type	Email From	Email To	Email CC	Document Title	Privilege Type	Privilege Description	Privileged Challenge Basis
50	REL00028277	10/15/2021	Email	Patrick Dennis	Nicolette Walters		RE: Zak Koeske Qs	Work Product	Communication from staff counsel to staff with attorney's mental impressions and opinions for media inquiry.	<p>An attorney client relationship does not exist among the individuals in the email. The attorney-client privilege is "narrowly construed" and only applies if, among other things, the person asserting the privilege is the client and the attorney is "acting as a lawyer." <i>Bethune-Hill v. Va. State Bd. of Elections</i>, 114 F. Supp. 3d 323 (E.D. Va. 2015) (quoting <i>United States v. Jones</i>, 696 F.2d 1069, 1072 (4th Cir. 1982)). House Defendants have not specified when they retained counsel for the litigation surrounding the House's passage of H. 4493, nor have they identified any South Carolina statute, bar ruling, legislative practice manual, or any other authority suggesting that counsel for a committee or the legislature can serve as the individual attorney for a legislator. Further, House Defendants fail to provide sufficient evidence to determine if this communication was for the predominate purpose of legal advice rather than policy advice. <i>Citizens Union of City of N.Y. v. Atty Gen. of N.Y.</i>, 269, F. Supp. 3d 124, 171 (S.D.N.Y. 2017). Further, House Defendants have failed to establish the "underlying facts" to demonstrate an attorney-client relationship. <i>In re Grand Jury Subpoena</i>, 542 F. App'x 252, 254 (4th Cir. 2013). This document is not attorney work product. It was not draft in "anticipation of litigation" but over the "ordinary course of" legislation. <i>Bethune-Hill</i>, 114 F. Supp. 3d at 348 (quoting <i>Hickman v. Taylor</i>, 329 U.S. 508-10 (1947); see Fed. R. Civ. P. 26(b)(3) (emphasis added) (the work product protection is a qualified privilege for "documents and tangible things that are prepared in anticipation of litigation or for trial by or for another party or its representative."). Courts have been clear that documents pertaining to legislation cannot be withheld on the basis of attorney work product because "the legislature could always have a reasonable belief that any of its enactments would result in litigation. That is the nature of the legislative process." <i>Id.</i> (internal edits omitted) (quoting <i>Baldus v. Brennan</i>, 2011 WL 6385645, at *2 (E.D. Wis. Dec. 20, 2011)). The "redistricting process" is a quintessential legislative function even though it occurs every 10 years. As a result, the "the driving force behind the preparation of" this document" is for legislation, not litigation. <i>Nat'l Union fire Ins. Co. of Pittsburgh v. Murray Sheet Metal Co.</i>, 967 F.2d 980, 984 (4th Cir. 1992). This would not include "business or technical advice or management decisions." <i>Perez v. Perry</i>, 2014 WL 3359324, at *1 (W.D. Tex. July 9, 2014) (citations omitted); Rule 26 Advisory Comm.'s Notes to 1970 amendment ("Materials assembled in the ordinary course of business, or pursuant to public requirements unrelated to litigation, or for other nonlitigation purposes are not under the qualified immunity provided by this subdivision."). Further, entries involving media inquiries (Log nos. 81, 82, 90) are flatly not covered by the attorney client privilege. See <i>In re Signet Jewelers Ltd. Secs. Litig.</i>, 332 F.R.D. 131, 136 (S.D.N.Y. 2019); <i>Lauth Group, Inc. v. Grasso</i>, No. 1:07-cv-0972-SEB-TAB, 2008 WL 926631, at *4 (S.D. Ind. Apr. 4, 2008) (quoting <i>City of Springfield v. Rexnord Corp.</i>, 196 F.R.D. 7, 9 (D. Mass. 2000))</p>
51	REL00028278	10/15/2021	Email	Patrick Dennis	Haley Mottel		FW: Zak Koeske Qs	Work Product	Communication from staff counsel to staff with attorney's mental impressions and opinions for media inquiry.	Same

Plaintiffs' Objections to House Defendants'
 Amended Privilege Log Produced April 1,
 2022

Log No.	Control Number	Date	Record Type	Email From	Email To	Email CC	Document Title	Privilege Type	Privilege Description	Privileged Challenge Basis
52	REL00028413	11/17/2021	Email	Patrick Dennis	Charles Reid		RE: Speaker Lucas Calling the House into Statewide Session Beginning 2:00 pm, Wednesday, December 1, 2021	Work Product	Communication between staff counsel with draft email language asking for attorney's mental impressions and opinion regarding legislative procedure.	<p>An attorney client relationship does not exist among the individuals in the email. The attorney-client privilege is "narrowly construed" and only applies if, among other things, the person asserting the privilege is the client and the attorney is "acting as a lawyer." <i>Bethune-Hill v. Va. State Bd. of Elections</i>, 114 F. Supp. 3d 323 (E.D. Va. 2015) (quoting <i>United States v. Jones</i>, 696 F.2d 1069, 1072 (4th Cir. 1982)). House Defendants have not specified when they retained counsel for the litigation surrounding the House's passage of H. 4493, nor have they identified any South Carolina statute, bar ruling, legislative practice manual, or any other authority suggesting that counsel for a committee or the legislature can serve as the individual attorney for a legislator. Further, House Defendants fail to provide sufficient evidence to determine if this communication was for the predominate purpose of legal advice rather than policy advice. <i>Citizens Union of City of N.Y. v. Att'y Gen. of N.Y.</i>, 269, F. Supp. 3d 124, 171 (S.D.N.Y. 2017). Further, House Defendants have failed to establish the "underlying facts" to demonstrate an attorney-client relationship. In re Grand Jury Subpoena, 542 F. App'x 252, 254 (4th Cir. 2013). This document is not attorney work product. It was not draft in "anticipation of litigation" but over the "ordinary course of" legislation. <i>Bethune-Hill</i>, 114 F. Supp. 3d at 348 (quoting <i>Hickman v. Taylor</i>, 329 U.S. 508-10 (1947)); see Fed. R. Civ. P. 26(b)(3) (emphasis added) (the work product protection is a qualified privilege for "documents and tangible things that are prepared in anticipation of litigation or for trial by or for another party or its representative."). Courts have been clear that documents pertaining to legislation cannot be withheld on the basis of attorney work product because "the legislature could always have a reasonable belief that any of its enactments would result in litigation. That is the nature of the legislative process." <i>Id.</i> (internal edits omitted) (quoting <i>Baldus v. Brennan</i>, 2011 WL 6385645, at *2 (E.D. Wis. Dec. 20, 2011)). The "redistricting process" is a quintessential legislative function even though it occurs every 10 years. As a result, the "the driving force behind the preparation of" this document" is for legislation, not litigation. <i>Nat'l Union fire Ins. Co. of Pittsburgh v. Murray Sheet Metal Co.</i>, 967 F.2d 980, 984 (4th Cir. 1992). This would not include "business or technical advice or management decisions." <i>Perez v. Perry</i>, 2014 WL 3359324, at *1 (W.D. Tex. July 9, 2014) (citations omitted); Rule 26 Advisory Comm.'s Notes to 1970 amendment ("Materials assembled in the ordinary course of business, or pursuant to public requirements unrelated to litigation, or for other nonlitigation purposes are not under the qualified immunity provided by this subdivision.").</p>
53	REL00028439	11/23/2021	Email	Patrick Dennis	Ashley Harwell-Beach; Charles Reid		RE: Rules Committee - Special Order Redistricting	Work Product	Communication between staff counsel with attorney impressions and opinions on legislative process.	Same
54	REL00028440	11/23/2021	Email	Patrick Dennis	Charles Reid; Ashley Harwell-Beach		RE: Rules Committee - Special Order Redistricting	Work Product	Communication between staff counsel with attorney impressions and opinions on legislative process.	Same

Plaintiffs' Objections to House Defendants'
 Amended Privilege Log Produced April 1,
 2022

Log No.	Control Number	Date	Record Type	Email From	Email To	Email CC	Document Title	Privilege Type	Privilege Description	Privileged Challenge Basis
55	REL00033189	10/14/2021	Email	Roland Franklin	Chip Huggins		Census Numbers	Attorney-Client Communication	Communication from staff counsel to legislator client to follow up on question about legal rights.	<p>An attorney client relationship does not exist among the individuals in the email. The attorney-client privilege is "narrowly construed" and only applies if, among other things, the person asserting the privilege is the client and the attorney is "acting as a lawyer." <i>Bethune-Hill v. Va. State Bd. of Elections</i>, 114 F. Supp. 3d 323 (E.D. Va. 2015) (quoting <i>United States v. Jones</i>, 696 F.2d 1069, 1072 (4th Cir. 1982)). House Defendants have not specified when they retained counsel for the litigation surrounding the House's passage of H. 4493, nor have they identified any South Carolina statute, bar ruling, legislative practice manual, or any other authority suggesting that counsel for a committee or the legislature can serve as the individual attorney for a legislator. Further, House Defendants fail to provide sufficient evidence to determine if this communication was for the predominate purpose of legal advice rather than policy advice. <i>Citizens Union of City of N.Y. v. Att'y Gen. of N.Y.</i>, 269, F. Supp. 3d 124, 171 (S.D.N.Y. 2017). Further, House Defendants have failed to establish the "underlying facts" to demonstrate an attorney-client relationship. <i>In re Grand Jury Subpoena</i>, 542 F. App'x 252, 254 (4th Cir. 2013). House Defendants failed to establish that the withheld communication was for the purpose of obtaining, providing, or soliciting legal advice. Counsel could be providing other types of non-legal advice, such as on legislative procedure or political advice, i.e., where they are "acting as a lawyer." <i>Bethune-Hill</i>, 114 F. Supp. 3d at 346.</p>